

## REMARKS

Applicant respectfully requests the Examiner's reconsideration of the present application. No claims have been cancelled. Claims 1 and 4-7 have been amended. New claims 11-14 have been added. Therefore, claims 1-14 are presented for examination.

### **Amendments to the Specification**

Applicant has made amendments to the specification to correct certain errors. Applicant also has deleted a duplicate phrase on page 17. Applicant has amended the description of Figure 5 on page 19 to refer to the single point 501. The amendment to the description of Figure 5 is supported *intra alia* in the paragraphs starting at line 13 of page 19, in which geometries of increasing dimension are described. No new matter has been added as a result of these amendments.

### **Claim Amendments**

Applicant has amended the claims to more particularly point out what Applicant regards as the invention. In particular, the claims have been amended to indicate that the claimed elements reconstruct media data from higher moment data. No new matter has been added as a result of these amendments.

### **Information Disclosure Statement**

Applicant notes that the Examiner lined out several references as being unconsidered in the Information Disclosure Statements of September 20, 2001, and October 8, 2001, without explanation. Applicant respectfully requests that the Examiner explain the reasons for not considering the references submitted, so that Applicant may make any necessary corrections.

### **Drawings**

Applicant is submitting replacement drawings with this response.

### **Rejections Under 35 U.S.C. §101**

Claims 1-10 stand rejected under 35 U.S.C. §101 as being drawn to a Non-Statutory Process. The Examiner has asserted that independent claims 1, 5-7 are drawn to a process which consists solely of mathematical operations without practical application in the technological arts or which simply manipulates abstract ideas without practical application in the technological arts. Applicant has amended the present claims to clarify the practical application of embodiments of the claimed invention. As amended, the invention of claim 1 is directed to reconstructing media data by transforming higher moment data corresponding to the media data. Independent claims 5, 6 and 7, as amended, include similar limitations. Applicant respectfully submits that the claimed limitation of reconstructing media data is a practical application of the claimed invention. The reconstruction of data, in particular media data, such as audio, video or image data, from related data, such as higher moment data, produces a useful, concrete and tangible result. For example, as discussed in Applicant's Specification, reconstruction of media data may permit, among other applications, the modeling of designs and correlation statistics. The claimed invention may also be applied to reconstruct geometries with no closed form. (Specification, page 28, lines 15-24). Therefore, Applicant respectfully submits that independent claims 1, 5, 6 and 7, and claims 2-4 and 8-10 that depend from them, are drawn to statutory subject matter. Accordingly, Applicant requests the withdrawal of the rejection of the claims under 35 U.S.C. §101.

### **Rejections Under 35 U.S.C. §112**

Claims 1-10 stand rejected under 35 U.S.C. §112, first paragraph, for failing to comply with the written description requirement.

The Examiner has rejected independent claims 1 and 5-7 and claims 2-4 and 8-10 under 35 U.S.C. §112, first paragraph, based on the use of the claim term "higher moment data." Applicant respectfully submits that the term "higher moment data" has a well established definition which is readily understood by a person of ordinary skill in the

art of the present invention. Higher moment data represents statistical quantities that measure the tendency of a distribution to cluster around a certain value. In other words, higher moment data refers to higher order correlations of data. The use of higher moment data in image reconstruction is well understood, as evidenced by the references cited by the Examiner. Accordingly, Applicant requests that the rejection of independent claims 1 and 5-7 and claims 2-4 and 8-10 that depend from them be withdrawn.

The Examiner has rejected claim 5 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Examiner has asserted that it is not clear from the specification what structure corresponds to the claimed means. Applicant respectfully submits that, *inter alia*, Figure 12 and its corresponding description in the Specification at pages 28 and 29, present a system 1200 for reconstructing media data. The system 1200 includes several structures which are disclosed as performing the specific functions claimed for the means. For example, a summing module 1280 sums partial backprojections of the Radon transform at each point and corresponds to the claimed "means for summing." (Specification, p. 29, lines 12-13). Additionally, the Specification describes at page 6, lines 6-14, an apparatus such as the computer illustrated in Figure 6, for performing the functions of embodiments of the present invention. Accordingly, Applicant respectfully requests that the rejection of claim 5 be withdrawn.

The Examiner has rejected claims 7-10 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Examiner has asserted that the specification and drawings do not show any apparatus corresponding to the claimed apparatus for reconstructing data from higher moment data recited in independent claim 7. Applicant respectfully submits that the specification and drawings provide support for the claimed apparatus. For example, Figure 12 and its corresponding description in the Specification at pages 28 and 29, describe a system for reconstructing media data from higher moment data as claimed in claims 7-10. Additionally, the Specification at page 6, lines 6-14 describes an apparatus, such as the computer illustrated in Figure 6, for performing the operations of embodiments of the

present invention. Furthermore, Applicant respectfully reminds the Examiner that the claims as originally filed constitute their own supporting written description:

[E]arly opinions suggest the Patent and Trademark Office was unwilling to find written descriptive support when the only description was found in the claims; however, this viewpoint was rejected. See *In re Koller*, 613 F.2d 819, 204 USPQ 702 (CCPA 1980) (original claims constitute their own description); accord *In re Gardner*, 475 F.2d 1389, 177 USPQ 396 (CCPA 1973); accord *In re Wertheim*, 541 F.2d 257, 191 USPQ 90 (CCPA 1976). It is now well accepted that a satisfactory description may be in the claims or any other portion of the originally filed specification. (MPEP §2163, emphasis added).

Accordingly, Applicant respectfully requests that the rejection of independent claim 7 and claims 8-10 that depend from it be withdrawn.

#### **New Claims**

Applicant has added claims 11-14, which depend from independent claims 1 and 5-7. Applicant respectfully submits that the newly added claims are patentable for at least the reasons discussed above for independent claims 1 and 5-7.

### Conclusion

Applicant respectfully submits that in view of the amendments and discussion set forth herein, the applicable rejections have been overcome and the pending claims are in condition for allowance.

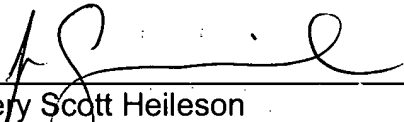
If the Examiner determines the prompt allowance of the claims could be facilitated by a telephone conference, the Examiner is invited to contact Scott Heilesen at (408) 720-8300.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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